



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/178,837 10/26/98 KADY

D GC-334

EXAMINER

WM02/1229

SHELDON H PARKER
300 PRESTON AVENUE SUITE 300
CHARLOTTESVILLE VA 22902

DALENCOURT, Y

ART UNIT

PAPER NUMBER

2635

DATE MAILED:

12/29/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/178,837

Applicant(s)
Darren J. Kady

Examiner
Yves Dalencourt

Group Art Unit
2635



☒ Responsive to communication(s) filed on Oct 16, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-8, 11-13, and 19-22 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-8, 11-13, and 19-22 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2635

DETAILED ACTION

This action is responsive to amendment filed on 10/16/2000.

Drawings

This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Response to Amendment

The examiner has acknowledged the amended claims 1, 5, and 6, the cancellation of claims 9 and 10, and the submission of claims 19 - 22.

Response to Arguments

Applicant's arguments with respect to claims 1 - 8, 11 - 13, and 19 - 22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Art Unit: 2635

Claims 1 and 19 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claims 1 and 19, the term “ **internal** operating control device “ is not supported by the specification. It has not been disclosed how the **internal** operating control device is being used for equipment having an exterior case. Therefore, one skilled in the art would not know how to make and/or use the invention.

Claims 2 - 8, 11 - 13, and 20 - 22 are necessarily rejected as being dependent upon the rejection of claims 1 and 19.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 - 6, 8, 11 - 13, and 19 - 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Norris et al (US 5510780; hereinafter Norris).

Regarding claims 1 - 6, 8, 11 - 13, and 19, Norris et al teaches an internal operating control device for use with equipment having an exterior case (figure 2), a power source (10,

Art Unit: 2635

figure 2), an activation member, and a driver member (paragraph bridging between col. 4 & col. 5), said control device having an input device, said input device being accessible at said exterior case and permitting input of user access codes (2, figure 1; col. 3, lines 34 - 46); a readout panel, said readout panel being visible at said exterior case and providing a status of said operating control device (44 & 45, figure 2; col. 3, lines 62 - 64 & col. 5, lines 6 - 11); an internal control member, said control member being in direct communication with the input device the power source, the driver member, and the activation member, wherein the control member prevents operation of the equipment by preventing power to transfer from said power source to the driver member without transmission of a user code, the user code enabling power to flow from the power source to the activation member to the driver member, thereby activating the equipment (5, figure 2; paragraph bridging between col. 4 & col. 5; col. 5, lines 19 - 34; col. 6, lines 35 - 39).

Claim 19 adds the limitation a programmable timer, said timer communicating with said control member and enabling power to flow from said power source to said driver member for a predetermined period of time, said predetermined period of time being entered at said input device, and a clock member, said clock member activating and deactivating said timer based on user input (figure 2; col. 1, lines 52 - 54; col. 2, lines 41 - 47; paragraph bridging between col. 4 & col. 5).

Regarding claim 20, Norris et al teaches an input device which is activated by a self contained, portable remote, said portable remote unit containing an activation code, said

Art Unit: 2635

activation code activating programming within said control member (2, figure 1; col. 4, lines 46 - 57).

Regarding claim 21, Norris et al teaches a portable remote unit which is a scanning touch key (col. 5, lines 47 - 49 & lines 60 - 61).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norris et al (US 5510780; hereinafter Norris).

Regarding claims 7 and 22, Norris et al teaches all the limitations on claim 1, but fails to specifically teach an equipment which is a hand tool, and a portable remote which can activate multiple pieces of equipment.

Norris et al does teach using such a device in leased (rented) equipment. The examiner takes official notice that hand tools are typical examples of rented equipment. Norris et al also suggests using such a device on cranes and automobiles. The examiner takes official notice that controlling the operation of an auto requires the actuation of multiples pieces of equipment (engine, power steering, ect.).

Art Unit: 2635

Therefore, although not expressly disclosed by the reference, the examiner considers these limitations to be obvious variations on the teaching presented by the reference.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2635

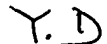
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yves Dalencourt whose telephone number is (703) 308-8547. The examiner can normally be reached on Monday through Thursday from 7:30AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik, can be reached on (703) 305-4704. The fax phone number for this Group is (703) 305-3988.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-8576.

Yves Dalencourt


December 27, 2000


BRIAN ZIMMERMAN
PRIMARY EXAMINER